

07-11-01

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	38-10(15849)B
First Inventor	Barry S. Goldman
Title	Myxococcus xanthus Genome Sequences and Uses Thereof
Express Mail Label No.	ET104581286US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 63]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets       ]
5. ☐ Oath or Declaration [Total Pages       ]
- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☒ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☒ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: certificate of mailing by Express Mail

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 60/217,883

Prior application information: Examiner unknown Group Art Unit: unknown

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label  or ☐ Correspondence address below

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27161

Address

PATENT TRADEMARK OFFICE

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Donna E. Scherer

Registration No. (Attorney/Agent)

34,719

Signature

Donna E. Scherer

Date

7/10/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

07/10/01

07/10/01

11046 U.S. PTO  
09/902540  
07/10/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
Goldman, Barry S. )  
Hinkle, Gregory J. )  
Slater, Steven C. )  
Wiegand, Roger C. )  
Serial No: unassigned )  
Filed: July 10, 2001 )  
For: *Myxococcus xanthus* Genome )  
Sequences and Uses Thereof )

CERTIFICATION OF EXPRESS  
MAILING

Honorable Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

I hereby certify that the attached communication comprising a Utility Patent Application is being deposited with the United States Postal Service, Express Mail Post Office to Addressee Service, Express Mail Label No. ET104581286US addressed to:

Assistant Commissioner for Patents  
BOX PATENT APPLICATION  
Washington, DC 20231

on July 10, 2001.

Certified by:

Donna E. Scherer

Donna E. Scherer  
Reg. No. 34,719  
Phone: 617-551-8237

10012004581286US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of	)	
	)	Art Unit: To Be Assigned.
Barry S. Goldman <i>et al.</i>	)	
	)	Examiner: To Be Assigned.
Serial No. To Be Assigned	)	
	)	Docket No.: 38-10(15849)B
Filed: July 10, 2001	)	
	)	
For: Myxococcus xanthus Genome	)	
Sequences and Uses Thereof	)	

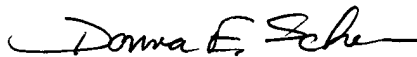
Statement Regarding Sequence Submission

Commissioner for Patents  
Washington, DC 20231

Sir:

In accordance with 37 C.F.R. § 1.821(f), the content of the compact disc copies and the computer readable copy of the Sequence Listing submitted herewith are the same.

Respectfully submitted,



Donna E. Scherer  
Reg. No. 34,719

38-10(15849)B

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Barry S. Goldman

Title

Myxococcus xanthus Genome Sequences and Uses Thereof

Atty Docket Number

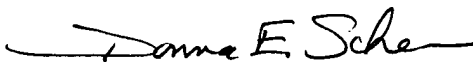
38-10(15849)B

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

July 10, 2001

Date



Signature

Donna E. Scherer

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**